



TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/884,048
		Filing Date	June 20, 2001
		First Named Inventor	CUNCHON, FRANCOIS
		Art Unit	2187
		Examiner Name	NGUYEN
Total Number of Pages in This Submission		Attorney Docket Number	T2147-907310

ENCLOSURES (check all that apply)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Customer No. 000181
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Date	January 11, 2005

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Attorney Docket No. T2147-907310

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application for:

First Named Inventor: CUNCHON, FRANCOIS

Art Unit: 2187

Appln. No.: 09/884,048

Examiner: NGUYEN

For: COMPUTING MACHINE WITH HARD
STOP-TOLERANT DISK FILE MANAGEMENT
SYSTEM

Confirmation No.: 2706

* * *

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Reconsideration in view of the following remarks is respectfully requested. Claims 9-20 are pending with Claims 9-20 having been rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent No.: 6,393,559 to Alexander.

Independent Claim 9 states that the start up function calls the automatic repair function and the automatic repair function calls the mounting function. Independent Claim 16 includes the feature of mounting an operating system from RAM that includes an automatic repair function, the mounting of the operating system based on a call from the automatic repair function.

Column 1, lines 15-25 and lines 40-63 of Alexander are relied upon for the teaching of these features. However, it is abundantly clear from the description in Alexander that Alexander does not operate in the manner claimed. In contradistinction, Alexander specifically states on column 2 that:

...the boot initialization progress of the BIOS is recorded and, if the boot initialization code fails, the failed boot initialization code is corrected by the BIOS. The boot initialization progress provides an indication of the location in the BIOS initialization code of where the boot initialization failed.

Column 1 of Alexander states that if errors occur during the BIOS or OS initialization, the computer may infinitely reboot or hang (lock-up) at the offending code. However, there is absolutely no teaching or suggestion of this rebooting being based on the automatic repair function as claimed. Moreover, and in relation to independent Claim 16, Alexander's operation is in the BIOS, not mounting of an operating system from RAM that includes an automatic repair function as claimed.

The background of Alexander discloses the BIOS initialization code . . . includes a power-on self test (POST) procedure, to insure that all computer circuitry is functioning before running the operating code. The Office appears to be relying on this POST function of Alexander for anticipating the automatic repair function as claimed.

However, it is clear at least from the above passages that there is absolutely no possibility of the POST function of Alexander being able to automatically call the start up function as claimed.

To the contrary, Alexander specifically states in the Summary that "the boot initialization progress of the BIOS is recorded and, if the boot initialization code fails, the failed boot initialization code is corrected by the BIOS. The boot initialization progress provides an indication of the location in the BIOS initialization code of where the boot initialization failed." Alexander goes on to state that "the self-healing BIOS 30 can identify the initialization code that caused the computer to lock-up and, before that code is initialized again (which would cause the same failure), the self-healing BIOS may skip the failed boot initialization code." Applicant respectfully submits that it is abundantly clear from this passage that an automatic repair function does not automatically call the startup function as claimed.

Claims 9 and 16 are thus allowable. The claims that depend therefrom depart even further from the cited references and are also allowable for the above reasons and the additional feature(s) recited therein.

Applicant respectfully submits the application is in condition for allowance. An early Notice of Allowance is respectfully solicited.

Should the Examiner believe that any further action is necessary to place this application in better form for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

Date: January 11, 2005

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